

**ANNUAL REPORT
ON THE
VIRGINIA WATER QUALITY IMPROVEMENT FUND**

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POINT SOURCE POLLUTION CONTROL



**SUBMITTED BY
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JANUARY 2002

**ANNUAL REPORT
ON THE
VIRGINIA WATER QUALITY IMPROVEMENT FUND
COOPERATIVE POINT SOURCE POLLUTION CONTROL PROGRAM**

**2001 Report by
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Director,
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to the

**Governor
Commonwealth of Virginia**

and the

Virginia General Assembly

JANUARY 2002

January 22, 2002

TO: Governor Mark R. Warner
Members of the Virginia General Assembly

FROM: Robert G. Burnley

SUBJECT: WATER QUALITY IMPROVEMENT FUND ANNUAL REPORT

This report is submitted to the Governor and the General Assembly in response to the requirement under ' 10.1-2134 of the Virginia Water Quality Improvement Act of 1997 (Chapter 21.1 of Title 10.1 of the Code of Virginia) for an annual report on the implementation of the Virginia Water Quality Improvement Fund. This report covers my responsibility to report on the point source component of the Water Quality Improvement Fund.

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I. INTRODUCTION

This report is the fifth to be submitted to the Governor and the General Assembly in response to the legislative requirement (see Appendix A) under ' 10.1-2134 of the Virginia Water Quality Improvement Act of 1997 (Chapter 21.1 of Title 10.1 of the Code of Virginia) for an annual report on the implementation of the Virginia Water Quality Improvement Fund (WQIF). This report covers the responsibility for the Director of the Department of Environmental Quality (DEQ) to report on the point source component of the WQIF.

The report contains a review of program activities, which have continued implementation of the WQIF in Virginia, through calendar year 2001. This includes an update of ongoing projects from 1997 through the grant applications processed for FY 2000 funding, which was the last year that a request for proposals was issued.

As specifically required by ' 10.1-2134 of the Act, this report also lists the recipients and amounts of grants made from the WQIF (respective, to both the current and prior fiscal years), the specific and measurable reductions in nutrient loadings to state waters anticipated once each funded project is constructed and placed into operation, and projections for the amount of continued funding required for the upcoming fiscal year under all fully executed grant agreements.

This annual report, as well as the updated status of the WQIF, is available online through the DEQ website link of <http://www.deq.state.va.us/bay/wqifdown.html>.

II. VIRGINIA WATER QUALITY IMPROVEMENT ACT OF 1997

A. Background

In 1997, the Virginia General Assembly passed the Water Quality Improvement Act (Act), which established the Water Quality Improvement Fund (WQIF). A primary objective of the WQIF is to reduce the flow of excess nutrients (nitrogen and phosphorus) into the Chesapeake Bay. As part of the interstate Chesapeake Bay Program the Commonwealth has joined with other Bay states and the Federal government in committing to reduce the input of nutrients through the development and implementation of Tributary Strategies. The Code of Virginia (Title 2.2, Chapter 2, §218 and §219) also directs the development and implementation of tributary strategies to restore the water quality and living resources of the Bay and its Tributaries.

No changes/amendments have been made to the Act, which affect the point source program, since the 1999 Virginia General Assembly. These 1999 amendments to ' 10.1-2129 of the Act require a thirty day public comment period and public hearing to precede the annual allocations of moneys in the WQIF by the Secretary of Natural Resources between the point and nonpoint source pollution programs.

Additionally, when developing grant guidelines, at a minimum the process will include: (i) the use of an advisory committee composed of interested parties; (ii) a sixty day public comment period on draft guidelines; (iii) written responses to all comments received; and (iv) notice of the availability of draft guidelines and final guidelines to all who request such notice.

Under amendments to ' 10.1-2131 of the Act, the DEQ Director may determine that sufficient monies exist in the WQIF for substantial and continuing progress in implementing the tributary plans. If this determination is made, grants may be authorized from the WQIF for projects other than the design and installation of nutrient reduction technology. To date, no such determination has been made and grants continue to be awarded solely for nutrient reduction projects, as part of the tributary strategy process.

B. Cooperative Point Source Pollution Control Program

The Act recognizes that the protection of the quality of state waters is a shared responsibility among state and local governments and individuals. In order to enhance the purposes of the State Water Control Law and other state laws related to the restoration, protection, and improvement of the quality of state waters, the Act establishes cooperative programs to reduce nutrients and other point and nonpoint sources of pollution.

Under the cooperative point source program, the DEQ is directed to assist local governments and individuals in the control of point source pollution, including nutrient reductions, through technical and financial assistance made available through grants provided from the WQIF. These cooperative programs do not limit in any way the other water quality restoration, protection and enhancement authorities of any agency or local government of the Commonwealth. The voluntary, cooperative approach envisioned by the Tributary Strategies is consistent with the cooperative program established under the Act. During the strategy development process, point source owners throughout the Chesapeake Bay drainage basins clearly stated their preference for a local-state cooperative partnership approach in developing and implementing the tributary strategy.

In 1999, point source representatives expressed concern over the development of nutrient criteria by the federal Environmental Protection Agency (EPA), and the potential development of Total Maximum Daily Loads (TMDLs) for the Bay and each tributary, which were listed by the EPA on the 303(d) list of impaired waters. The Commonwealth is continuing the cooperative approach in implementing the tributary strategies by offering to provide 50% of the capital cost to install nutrient removal facilities and will continue to work closely with the EPA and other Bay Program partners to integrate the nutrient criteria, TMDL, and tributary strategy programs in the Bay restoration effort. Details on this integration process can be found in the Annual Report on Development and Implementation of the Tributary Strategies (Office of the Secretary of Natural Resources, November 2001).

Table 1 displays the estimated costs for implementation of the cooperative point source program for each Tributary Strategy using the assumption that each WQIF cost-share grant will cover at least 50% of the eligible costs. This estimate for future WQIF funding needs accounts for existing signed agreements, pending grant increase requests, estimated costs for projects not yet in the WQIF program, and WQIF appropriations to date.

Table 1 – WQIF Grant Funding Needs to Fully Implement Tributary Strategy Point Source Actions	
Shenandoah/Potomac	Estimated Grant Amount
Signed Agreements	\$75,542,000
Pending Grant Increases	+\$60,000
Additional WWTP's not yet in WQIF Program	+ \$10,710,000
Subtotal	\$86,312,000
WQIF Appropriations to date	- \$67,078,000
Remaining Shenandoah/Potomac Grant Needs	\$19,234,000
Lower Tributaries	
Rappahanock	\$13,353,000
York	\$9,913,000
James	\$77,574,000
Eastern Shore	\$846,000
Subtotal	\$101,686,000
FY 00 WQIF Appropriation	- \$25,240,000
Remaining Lower Tributaries Grant Needs	\$76,446,000
Total Future WQIF Funding Needs	\$95,680,000

C. Virginia Water Quality Improvement Fund (WQIF)

The Act established the WQIF to provide grants to local governments, soil and water conservation districts, and individuals for point and nonpoint source pollution prevention and reduction programs. Under the Act, the DEQ Director is responsible for point source grants, and the Director of the Department of Conservation and Recreation (DCR) is responsible for nonpoint source grants. In accordance with the Act, point source grants currently provide at least 50% of the cost of design and installation of biological nutrient removal facilities (BNR) or other nutrient removal technology at publicly owned treatment works (POTW). The only two exceptions to the requirement that the grantee be a POTW - SIL Cleanwater, Inc. & Dale Service Corporation – share a special (one time) appropriation for private STP's serving residential areas that exceed 0.5 MGD. In both cases, the grant amount did not equal 50% of the final grant eligible costs due to the limited amount of the special appropriation.

1. Appropriations to the WQIF

Table 2 provides the point source appropriations to the WQIF by the General Assembly for fiscal years 1998-2002. For FY 1998 and 1999, point source funds were targeted for projects in the Shenandoah-Potomac Tributary Strategy. In FY 2000, the point source allocation to the WQIF was for use in implementing nutrient reduction strategies for the lower Bay tributaries (Rappahannock, York, James, and Small Coastal basins).

For the FY 2001-02 biennium, \$13.0 million in new funds (consisting of \$10.3 million in general funds and \$2.7 million in interest earned by the WQIF) was appropriated to the point source grant program. In addition, \$3.85 million already in the WQIF, which had been earmarked for specific uses (Blue Plains & “challenge grants”), was reallocated and made available to other point source nutrient reduction projects.

For the fiscal year 2002 budget, there was no appropriation to the WQIF point source program. There was an Administrative Transfer/Appropriation of interest earned on the [non-general] fund balance, resulting in an additional \$3.49 million available for FY 2002. These funds are being applied to existing grant obligations under the signed agreements.

Table 2 – WQIF Appropriations	
Point Source Program	
FY 1998	\$10.00 million
FY 1999	\$37.10 million
FY 2000	\$25.24 million
FY 2001	\$10.30 million
Interest earned (Thru FY '00)	\$ 6.18 million
FY 2002 (FY '01 interest earned)	\$ 3.49 million
TOTAL:	\$92.31 million

2. Multi-Year Projects

As with many capital outlay projects, most of the point source projects have taken (or will take) several years to complete. Therefore, it was anticipated that the grant monies needed to *fully* fund these multi-year projects would be spread out over several years. To implement the tributary strategies and ensure that monies allocated to the WQIF are put to use as soon as possible, DEQ and the point source owners have taken the approach of signing agreements for multi-year grants that may, in total, exceed the amount of grant funds currently in the WQIF. Under this approach, the grant agreement that

each owner signs with DEQ specifies that the availability of monies in the Fund is subject to appropriation by the General Assembly and that at times there may not be sufficient monies in the Fund to permit prompt (or entire) disbursement of grant funds owed to the Grantees.

The agreements also contain provisions to minimize the potential for disruption in disbursements of the grant funds. The grantees and DEQ continue to work together to forecast the estimated disbursements from the WQIF and make this information publicly available for use in the State budgetary process. As in the case of FY 2002, should grant fund requests in any fiscal year exceed the availability of grant monies in the WQIF, DEQ will manage allocation of available grant funds to ensure an equitable distribution among all impacted grantees for that fiscal year.

Additionally, the agreement contains language to ensure completion of the construction and start-up, regardless of the amount of grant funds reimbursed. However, it is the Commonwealth's intention to fully meet its obligation of all signed agreements, when sufficient funds are appropriated.

III. PROGRAM ACTIVITIES

A. FY 1998 WQIF Grants

During the first year of the WQIF point source program (FY 1998), twelve grants, committing a total of \$52,333,848 in state cost share, were signed in the Shenandoah and Potomac basins based on estimated costs. Since signing the original grants, inflation and the actual receipt of construction bids have increased the total grant commitment to \$66,513,019. Except for one project, all grants were for 50% cost share in the design and construction of nutrient reduction systems at wastewater treatment facilities. These point source projects were designed to reduce annual loads of nitrogen by 6.4 million pounds, and phosphorus by 0.088 million pounds at design flows. A technical assistance grant for \$546,000 was provided to SIL Clean Water for the planning and design phases of a joint public-private venture for land application designed for an average flow of 1.923 MGD.

B. FY 1999 WQIF Grants

Five grant agreements were signed using funds appropriated for FY 1999, committing a total of \$9,029,378 in cost share. These point source projects were designed to reduce, respectively, annual loads of nitrogen and phosphorus 985,000 lbs/year and 157,200 lbs/year at design flows.

BNR projects funded in FY '98 & '99 are being completed and coming online. The status of BNR implementation for projects in the Shenandoah/Potomac Basins is shown in Table 3.

Table 3 – Implementation Status of WQIF Point Source Projects in the Shenandoah/Potomac Basins		
Facility	Size (MGD)	Status

Stafford County – Aquia	6.0	BNR on-line ('01 YTD avg. TN = 4.19 mg/l)
Frederick–Winchester Opequon	8.4	BNR online 7/00 ('01 YTD avg. TN= 4.21mg/l ; YTD avg. TP =0.15 mg/l)
Harrisonburg-Rockingham SA-N. River	16.0	BNR online 9/00 ('01 YTD avg. TN= 7.81 mg/l; YTD avg. TP = 1.28mg/l)
SIL Clean Water (Tech Assistance)	N/A	Design completed
SIL Clean Water	1.92	Project online 10/00
Fairfax-Blue Plains	31.0	BNR pilot project complete. Partial plant retrofit complete
Loudoun County SA-Blue Plains	13.8	BNR pilot project complete. Partial plant retrofit complete
Leesburg	4.85	BNR retrofit complete 11/01
Staunton-Middle River	6.8	BNR retrofit complete 9/01 ('01 YTD avg. TN= 8.00 mg/l; YTD avg. TP = 1.60mg/l)
Arlington County	40.0	BNR retrofit/construction ≈ 79% complete
Fairfax Co.-Noman Cole	67.0	BNR retrofit ≈ 60% complete
Prince William Co. SA-Mooney	18.0	BNR retrofit ≈ 48% complete
Alexandria SA	54.0	BNR retrofit ≈ 75% complete
Purcellville	1.0	BNR retrofit/construction ≈ 75% complete.
Dale Service Corp. #1	4.0	BNR retrofit/construction ≈ 91% complete
Dale Service Corp. #8	4.3	BNR retrofit/construction ≈ 83% complete
Augusta County SA -Stuart's Draft	2.5	BNR retrofit/construction ≈ 70% complete

C. Update to WQIF Guidelines

As specified by the Act, the Secretary of Natural Resources is charged with developing written guidelines for the distribution and conditions of Water Quality Improvement Grants and criteria for prioritizing funding requests. Since the update to the FY 2000 guidelines, which were released in November 1999, there has been no subsequent update to the WQIF Guidelines.

D. FY 2000 WQIF Grants

\$25.24 million (see Table 2) was appropriated for FY 2000 and was to be used exclusively for financing the design and installation of nutrient removal facilities at POTWs in the lower Bay tributaries (Rappahannock, York, James, and Small Coastal basins).

Nineteen applications, requesting a total of \$94.66 million in FY 2000 grant funds, were received by the submission deadline. Of these applications, two of the proposals were for projects

other than nutrient control and two were located outside the eligible geographic area. Of the 15 eligible applications submitted for FY 2000 funds, 9 requests were targeted as priority projects for award of grant funds. Of those 9 priority projects, eight grant agreements have been executed. Only the grant agreement prepared for the City of Richmond (in the amount of \$1,015,261.00) has not been executed, as the City is uncertain of their ability to achieve the performance standards for total nitrogen in conjunction with CSO control. These point source projects were designed to reduce, respectively, annual loads of nitrogen and phosphorus by 6,287,006 lbs/year and 1,381 lbs/year at design flows. A complete list of project descriptions can be found online at: <http://www.deq.state.va.us/bay/wqif.html>.

E. FY 2002 Activity/Notes

As a result of cash flow projections by the Potomac/Shenandoah grantees and no additional appropriation to the WQIF program, it became necessary to defer a portion of the reimbursements so that an equitable distribution of the limited funds could be achieved. Accounting for the transfer of interest earned on the fund and the cash flow projections provided by the grantees, all FY 2002 reimbursements for these projects (see Table 3 for list) are being prorated to pay 85% of the eligible costs and 15% of the costs are being deferred until additional funds become available. Projects in the James, York, & Rappahanock Basins were not impacted; however, further solicitation for projects and further nutrient reductions with cost-share cannot occur until State financial resources are available.

IV. SUMMARY DATA FOR EXECUTED GRANT AGREEMENTS

As required by ' 10.1-2134 of the Act, this report lists the projections for the amount of continued funding required for the coming fiscal year under all fully executed grant agreements. This revised information is provided in Table 4.

Table 4 – Projected WQIF Grant Expenditures for Signed Agreements											
Grantee / Plant	Grant Amount	Expenditures FY 1998 thru FY 2001 (7/1/97- 6/30/01)	Expenditures to date in FY 2002 (7/1/01- to date)	Total Expenditures to Date	Projected Expenditures Remaining for FY 2002 (to 6/30/02)	Projected Expenditures for FY 2003 (7/1/02- 6/30/03)	Projected Expenditures Past FY 2003	Expected Nutrient Load Reduction Nitrogen Phosphorus (lbs per year)		WQIF Grant Effective Date	Expected Operational Date
ACWSA-Stuarts Draft	\$1,424,724	\$770,367	\$228,486	\$998,853	\$284,914	\$140,957	\$0	134,000	12,200	11/12/00	Apr. 2002
Alexandria S.A. STP	\$20,147,914	\$13,858,075	\$1,288,569	\$15,146,644	\$2,174,331	\$2,826,939	\$	2,055,000	N/A	03/16/98	Apr. 2002
Arlington Co. STP	\$10,816,973	\$7,951,088	\$623,595	\$8,574,684	\$1,807,405	\$434,885	\$0	146,000	N/A	10/10/98	July 2002 ¹
Chesterfield Co.– Proctors Crk STP	\$965,560	\$0	\$0	\$0	\$965,560	\$0	\$0	700,665	N/A	06/26/01	BNR Online
Dale Service Corp STP #1	\$1,901,057	\$1,405,510	\$318,918	\$1,724,428	\$72,082	\$104,547	\$0	377,500	N/A	5/26/99	Sept. 2001 ²
Dale Service Corp STP #8	\$2,115,053	\$1,394,616	\$356,278	\$1,750,894	\$246,372	\$117,787	\$0	328,800	N/A	5/26/99	Sept. 2001 ²
Fairfax Co. (Blue Plains STP)	\$1,387,500	\$381,988	\$0	\$381,988	\$106,000	\$899,262	\$0	751,000	N/A	12/22/97	BNR Online: Jan. 2000
Fairfax Co. – Noman Cole STP	\$10,399,500	\$6,199,778	\$0	\$6,199,778	\$2,289,900	\$1,909,822	\$0	1,632,000	N/A	5/20/98	Jan. 2002
Fauquier Co – Remington STP	\$886,138	\$	\$0	\$0	\$665,000	\$221,138	\$0	33,156	1,381	7/11/01	Feb. 2003
Fred/Winchester S.A. – Opequon STP	\$2,754,618 ³	\$2,754,618	\$0	\$2,754,618	\$0	\$0	\$0	279,000	26,000	6/8/98	BNR Online: July 2000
Hanover Co. – Totopotomoy	\$2,109,770	0	\$893,763	\$893,763	\$717,453	\$498,553	\$0	73,911	N/A	05/18/01	Jan. 2003

¹ Contract modification #2 provided for a no-cost time extension.

² Contract modification #1 has been signed by the grantee and provides for a redistribution of grant eligible costs based on as-bid costs and a no-cost time extension; the grant amount remains unchanged.

³ Contract modification #1 has been signed and reflects final eligible costs; grant decreased from \$2,828,963.

Table 4 – Projected WQIF Grant Expenditures for Signed Agreements

Grantee / Plant	Grant Amount	Expenditures FY 1998 thru FY 2001 (7/1/97- 6/30/01)	Expenditures to date in FY 2002 (7/1/01- to date)	Total Expenditures to Date	Projected Expenditures Remaining for FY 2002 (to 6/30/02)	Projected Expenditures for FY 2003 (7/1/02- 6/30/03)	Projected Expenditures Past FY 2003	Expected Nutrient Load Reduction <u>Nitrogen</u> <u>Phosphorus</u> (lbs per year)		WQIF Grant Effective Date	Expected Operational Date
H'burg/Rckgham S.A. - North River STP	\$2,871,547	\$2,843,531	\$0	\$2,843,531	\$17,000	\$3,000	\$0	521,000	49,000	4/27/98	BNR Online: Nov. 2000
Henrico WWTF	\$8,906,687	\$0	\$0	\$0	\$4,906,000	\$3,000,000	\$1,000,687	1,233,512	N/A	7/04/01	Aug. 2003
Hopewell WWTP	\$2,508,218 ⁴	\$657,888	\$496,457	\$1,154,345	\$1,018,157	\$335,716	\$0	3, 957,000	N/A	11/6/00	Dec. 2002
Leesburg STP	\$6,477,734	\$6,011,025	\$327,923	\$6,338,948	\$68,780	\$70,006	\$0	81,000	N/A	7/16/98	July 2001
Loudoun Co. S.A. (Blue Plains STP)	\$365,500	\$169,626	\$0	\$169,626	\$17,000	\$178,874	\$0	213,000	N/A	12/1/97	BNR online: Jan. 2000
PWCSA – Mooney STP	\$9,094,338 ⁵	\$3,806,156	\$509,191	\$4,315,347	\$2,635,809	\$2,143,182	\$0	477,000	N/A	3/19/98	June 2001
Purcellville STP	\$1,604,413 ⁶	\$862,899	\$332,714	\$1,195,613	\$297,573	\$111,227	\$0	32,600	3,100	8/19/99	Oct. 2001
SIL Clean Water (Tech Ass't Grant)	\$546,000	\$546,000	\$0	\$546,000	\$0	\$0	\$0	N/A	N/A	4/26/99	Complete: Sept. 1999
SIL Clean Water Spray System	\$1,983,890	\$1,983,890	\$0	\$1,983,390	\$0	\$0	0	178,000	138,000	12/2/99	BNR online: Sept. 2000
Spotsylvania Co. – FMC STP	\$1,767,000	\$0	\$0	\$0	\$0	\$700,000	\$1,067,000	59,682	N/A	4/19/01	Dec. 2004
Spotsylvania Co. – Massaponax STP	\$4,294,553	\$897,461	\$751,506	\$1,489,124	\$1,842,262	\$803,324	\$0	110,522	N/A	4/19/01	Jan. 2003
Stafford Co. – Aquia STP	\$351,962	\$290,709	\$0	\$290,709	\$0	\$61,253	\$0	110,000	N/A	6/8/98	BNR Online: Dec. 1991
Stafford Co. – Lil' Falls Run STP	\$1,909,720	\$0	\$1,809,590	\$1,809,590	\$70,130	\$30,000	\$0	118,258	N/A	4/19/01	June 2002
Staunton Middle River STP	\$1,299,433	\$1,220,690	\$5,849	\$1,226,539	\$2,651	\$1,500	\$0	91,000	13,000	6/8/98	Mar. 2001
Totals:	\$98,889,802	\$54,005,915	\$7,942,839	\$61,948,754	\$20,204,379	\$14,591,972	\$2,067,687	13,693,606	242,681		

⁴ Contract modification #1 has been signed and reflects actual costs from the contractor's schedule of values; grant decreased from \$2,643,503.

⁵ Contract modification #1 has been signed, based on as-bid and estimated costs; grant increased from \$4,879,250.

⁶ Contract modification #1 has been signed and reflects actual costs from the contractor's schedule of values; it also provides for a no-cost time extension.

The preceding Table 4 shows that significant progress on the construction of nutrient reduction systems has been made, since the January 2001 report. It is important to note that as construction advances, the draw against available WQIF funds also increases. The large northern Virginia facilities are all scheduled for completion by the summer of 2002 and the projects will continue to use large amounts of WQIF funding. If additional appropriations are not made to the WQIF Point Source Program it is projected that the WQIF will not have sufficient funds available to cover any reimbursement requests made for the Potomac/Shenandoah Projects beyond fiscal year 2002. The following table summarizes the estimated funding shortfall.

Table 5 - Projection of WQIF Availability through FY2002 (Shenandoah/Potomac Agreements)	
Appropriations for Shenandoah/Potomac Projects	\$67,070,000
Actual Reimbursements through FY01 (7/00-6/01)	- \$52,450,000
Balance	\$14,620,000
Projected Reimbursements for FY02 (7/01-6/02)	- \$16,730,000
Balance	(\$2,110,000)

